

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

ADESSO Homeowners' Association, as controlled by the Owners since April 23, 2013, ADESSO Horizontal Property Regime, William Durkin and Sam Vause, Jr. individually and on behalf of all others similarly situated and Emad Tadros, M.D., as Trustee of the Grace Living Trust as owner of all retail units )  
Plaintiffs, )  
-vs- )  
Holder Properties, Inc.; ADESSO/Columbia, LLC; Drake/Adesso, LLC; Holder Adesso, LLC; JRH Adesso, LLC; JRH, LLC; John R. Holder, Individually; ADESSO Homeowners Association as controlled by the Developers prior to April 23, 2013; Niles Bolton Associates, Inc.; Browder + LeGuizamon and Associates, Inc.; Hussey, Gay, Bell & DeYoung, Inc., Consulting Engineers; Jordan & Skala Engineers, Inc.; Key Construction, Inc.; Ace Glass Company, Inc.; Advanced Door Systems, Inc.; All-South Electrical Constructors, Inc.; Aquarian Pools of Columbia, Inc.; Artistic Enterprises, Inc.; Fernandez Contractors International, Inc. d/b/a Benzach, Inc.; Commercial Building Services, Inc.; Capitol City Custom Iron Works & Fence, LLC; Flooring Services, Inc.; Gill Plumbing Company; Guardian Fence Suppliers of SC, Inc.; Hester Drywall, Inc.; Holland Roofing, Inc.; SDI Solutions, LLC d/b/a I-Sys Corporation; Jamco Doors; JR Hobbs Co.; Loveless Commercial Contracting, Inc.; Reliance Interiors, Inc.; Southern Fireproofing Company, Inc.; Southern Vistas, Inc.; SRS Concrete Finishing; Stafford Consulting )  
Case No. 3:16-cv-710-JFA  
**STIPULATED ORDER OF DISMISSAL WITHOUT PREJUDICE AS TO DEFENDANTS DRAKE/ADESSO, LLC; HOLDER ADESSO, LLC; JRH ADESSO, LLC; JRH, LLC; AND JOHN R. HOLDER, INDIVIDUALLY**

Engineers, Inc.; Taylor Brothers )  
Construction Company, Inc.; Winston )  
Steel LLC d/b/a Winston Steel & Stair Co.; )  
Andersen Windows, Inc.; Carlisle )  
Construction Materials Incorporated; )  
Silver Line Building Products, LLC; )  
GrayStone of Florida, Inc.; and Dryvit )  
Systems, Inc. )  
Defendants. )

---

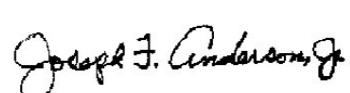
This matter comes before the Court upon motion of the Plaintiffs. The Plaintiffs stipulate to the dismissal of Defendants Drake/Adesso, LLC; Holder Adesso, LLC; JRH Adesso, LLC; JRH, LLC; and John R. Holder, Individually without prejudice. This stipulation of dismissal without prejudice is subject to the Tolling Agreement attached as Exhibit A and incorporated herein by reference.

It is therefore, ORDERED that the Defendants Drake/Adesso, LLC; Holder Adesso, LLC; JRH Adesso, LLC; JRH, LLC; and John R. Holder, Individually are dismissed **without prejudice** subject to the Tolling Agreement.

If Plaintiffs reinstate their claim against Defendants Drake/Adesso, LLC; Holder Adesso, LLC; JRH Adesso, LLC; JRH, LLC; and John R. Holder, Individually as allowed by the Tolling Agreement, such reinstatement of the claim may be accomplished without further order from this Court.

**IT IS SO ORDERED.**

July 11, 2016  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge

WE SO STIPULATE:

RICHARDSON PLOWDEN & ROBINSON, P.A.

By:s/ Franklin J. Smith, Jr.

---

Franklin J. Smith, Jr., Fed. Bar No. 3898  
E-Mail: fsmith@richardsonplowden.com  
Jared H. Garraux, Fed. Bar No. 10113  
E-Mail: jgarraux@richardsonplowden.com  
1900 Barnwell Street  
Post Office Drawer 7788  
Columbia, SC 29201

Attorneys for Plaintiffs

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:s/ Erik T. Norton

---

Howard A. VanDine, III, Fed. Bar No. 01046  
E-Mail: howard.vandine@nelsonmullins.com  
Erik T. Norton, Fed. Bar No. 09683  
E-Mail: erik.norton@nelsonmullins.com  
Tara C. Sullivan, Fed. Bar No. 11095  
E-Mail: tara.sullivan@nelsonmullins.com  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

Attorneys for Drake/Adesso, LLC; Holder Adesso, LLC;  
JRH Adesso, LLC; JRH, LLC; and John R. Holder,  
Individually

**EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

|  |   |                          |
|--|---|--------------------------|
| ADESSO Homeowners' Association, <i>as controlled by the Owners since April 23, 2013</i> , ADESSO Horizontal Property Regime, William Durkin and Sam Vause, Jr. individually and on behalf of all others similarly situated and Emad Tadros, M.D., as Trustee of the Grace Living Trust as owner of all retail units  | ) | Case No. 3:16-cv-710-JFA |
| (  | ) |                          |
| Plaintiffs,  | ) | <b>TOLLING AGREEMENT</b> |
| -vs-   | ) |                          |
| Holder Properties, Inc.; ADESSO/Columbia, LLC; Drake/Adesso, LLC; Holder Adesso, LLC; JRH Adesso, LLC; JRH, LLC; John R. Holder, Individually; ADESSO Homeowners Association <i>as controlled by the Developers prior to April 23, 2013</i> ; Niles Bolton Associates, Inc.; Browder + LeGuizamon and Associates, Inc.; Hussey, Gay, Bell & DeYoung, Inc., Consulting Engineers; Jordan & Skala Engineers, Inc.; Key Construction, Inc.; Ace Glass Company, Inc.; Advanced Door Systems, Inc.; All-South Electrical Constructors, Inc.; Aquarian Pools of Columbia, Inc.; Artistic Enterprises, Inc.; Fernandez Contractors International, Inc. d/b/a Benzach, Inc.; Commercial Building Services, Inc.; Capitol City Custom Iron Works & Fence, LLC; Flooring Services, Inc.; Gill Plumbing Company; Guardian Fence Suppliers of SC, Inc.; Hester Drywall, Inc.; Holland Roofing, Inc.; SDI Solutions, LLC d/b/a I-Sys Corporation; Jamco Doors; JR Hobbs Co.; Loveless Commercial Contracting, Inc.; Reliance Interiors, Inc.; Southern Fireproofing | ) |                          |

---

Company, Inc.; Southern Vistas, Inc.; SRS )  
Concrete Finishing; Stafford Consulting )  
Engineers, Inc.; Taylor Brothers )  
Construction Company, Inc.; Winston )  
Steel LLC d/b/a Winston Steel & Stair Co.; )  
Andersen Windows, Inc.; Carlisle )  
Construction Materials Incorporated; )  
Silver Line Building Products, LLC; )  
GrayStone of Florida, Inc.; and Dryvit )  
Systems, Inc. )  
Defendants. )

---

The Plaintiffs and Defendants Drake/Adesso, LLC; Holder Adesso, LLC; JRH Adesso, LLC; JRH, LLC; and John R. Holder, Individually (“Defendants”) agree as follows:

1. Plaintiffs will dismiss Defendants without prejudice from the above-captioned lawsuit in return for the below stated provision.
2. Defendants agree that if the Plaintiffs refile their claim against Defendants within one (1) year after the date of filing of the Order of Dismissal without Prejudice, then the date of filing shall revert back to the original filing date. If Plaintiffs refile their claims against Defendants after one (1) year, the date of filing shall be the actual date of the refiling.
3. Nothing in this Tolling Agreement shall be construed as to abridge or diminish any rights or defense of Defendants, in the event that the Plaintiffs reinstate their claims against Defendants in this matter.
4. Nothing in this Tolling Agreement shall be construed to affect the Plaintiffs’ claims against any other party to this matter.

This Agreement may be executed by counsel for any party and shall bind the party, and it may be executed in multiple counterparts.

RICHARDSON PLOWDEN & ROBINSON, P.A.

By:s/ Franklin J. Smith, Jr.

---

Franklin J. Smith, Jr., Fed. Bar No. 3898  
E-Mail: fsmith@richardsonplowden.com  
Jared H. Garraux, Fed. Bar No. 10113  
E-Mail: jgarraux@richardsonplowden.com  
1900 Barnwell Street  
Post Office Drawer 7788  
Columbia, SC 29201

Attorneys for Plaintiffs

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:s/ Erik T. Norton

---

Howard A. VanDine, III, Fed. Bar No. 01046  
E-Mail: howard.vandine@nelsonmullins.com  
Erik T. Norton, Fed. Bar No. 09683  
E-Mail: erik.norton@nelsonmullins.com  
Tara C. Sullivan, Fed. Bar No. 11095  
E-Mail: tara.sullivan@nelsonmullins.com  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

Attorneys for Drake/Adesso, LLC; Holder Adesso, LLC; JRH Adesso, LLC; JRH, LLC; and John R. Holder, Individually